

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**SHONTENA K. ELLIOTT, Individually and as
Personal Representative on Behalf of the
Wrongful Death Beneficiaries of
JONATHAN SCOTT KEEN**

PLAINTIFF

V.

CIVIL ACTION NO. 3:16-cv-0088-MPM-JMV

**MANAGEMENT & TRAINING CORPORATION,
HEALTH ASSURANCE, LLC and
JOHN AND JANE DOES 1-100**

DEFENDANTS

PLAINTIFF'S MOTION IN LIMINE

The Plaintiff files this *Motion in Limine* regarding Jonathon Scott Keen's ("Mr. Keen") prior convictions, his alleged gang affiliation, and a video tape of Mr. Keen and presents the following in support:

1. Johnathon Scott Keen committed suicide on June 16, 2015. He had previous felony convictions, specifically capital murder. Prison records also indicate that Mr. Keen was affiliated with gangs while in prison.

2. Because Mr. Keen will obviously not be a witness in this case, his previous felony convictions are precluded under *F.R.E.* 609. The convictions would also constitute improper 404(b) evidence.

3. Mr. Keen's alleged gang affiliation is not relevant to whether MTC violated its constitutional and state duties towards him. As such it is irrelevant under *F.R.E.* 401, 402 and 403. The alleged gang affiliation also constitutes improper evidence under *F.R.E.* 404(b). Lastly, the evidence which establishes this alleged gang involvement is hearsay with no exception.

4. At approximately 11:00 a.m. on June 16, 2015, a video recording was made depicting Mr. Keen interacting with an employee of former co-defendant Health Assurance, LLC. The video is irrelevant to the claims or defenses in this case and should be excluded under

F.R.E. 401 and 402. To the extent the video is relevant, the prejudicial impact greatly outweighs any probative value. *F.R.E.* 403.

5. The Plaintiff relies upon the attached memorandum brief in support of her argument.

RESPECTFULLY SUBMITTED, THIS the 26th day of July, 2017.

SHONTENA K. ELLIOTT, PLAINTIFF

BY: /s/ Charles R. Mullins
CHARLES R. MULLINS

OF COUNSEL:

CHARLES R. MULLINS (MB# 9821)

MERRIDA (BUDDY) COXWELL (MB# 7782)

COXWELL & ASSOCIATES, PLLC

Post Office Box 1337

Jackson, Mississippi 39215-1337

Telephone: (601) 948-1600

Facsimile: (601) 948-1600

chuckm@coxwelllaw.com

merridac@coxwelllaw.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Charles R. Mullins, counsel of record for the Plaintiff, Shontena K. Elliott, in the above-styled and referenced matter, do hereby certify that I have this caused the above and foregoing *Plaintiff's Motion In Limine* to be filed via the ECF system, which sent notification thereof to the following persons of interest:

R. JARRAD GARNER
RICHARD DAVIS
ADAMS & REESE, LLP
1018 Highland Colony Parkway, Suite 800
Ridgeland, Mississippi 39157
Jarrad.garner@arlaw.com
Ben.morgan@arlaw.com

Walter T. Johnson, Esquire
Robert H. Pedersen, Esquire
WATKINS & EAGER PLLC
Post Office Box 650
Jackson, Mississippi 39205

THIS, the 26th day of July, 2017.

/s/ Charles R. Mullins
CHARLES R. MULLINS